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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/833,606	04/13/2001	D. Lee Manner	13202.00288	4733

27160 7590 10/30/2002

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EXAMINER

LECHERT JR, STEPHEN J

ART UNIT	PAPER NUMBER
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1732

8

DATE MAILED: 10/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

ST: 8

# Office Action Summary

Applicati n No.	Applicant(s)	
09/833,606	MANNER, D. LEE	
Examiner	Art Unit	
Stephen J. Lechert	1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2002.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) 11-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-16 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. Applicant timely traversed the restriction (election) requirement in Paper No. 6. Applicant's election with traverse of Group I, the method in Paper No. 6 is acknowledged. The traversal is on the ground(s) that applicant feels that there is no burden on the examiner to examine both groups. This is not found persuasive because the product absorbent composition can be made by a process other than that claimed in the group I claims. For example, the process does not have to include the consolidation step.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 11-16 have been withdrawn from consideration as being non-elected with traverse.

3. Applicant's certified copies of the foreign priority document has been received.

4. The information disclosure statement filed 7/16/2001 fails to comply with 37 CFR 1.98(a)(1), which requires a list of all patents, publications, or other information submitted for consideration by the Office. It has been placed in the application file, but the information referred to therein has not been considered. Applicant should provide the office with a PTOL-1449.

5. This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

6. Claims 8, 9 and 10 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claims 8-10 applicant has used improper Markush

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language. Applicant is requested to use proper Markush language "...selected from the group consisting of A, B, C and D". For example, Claim 8, applicant should recite "...selected from the group consisting of paraffin wax, beeswax, wax derived from animal products and wax derived from vegetable products." Similar type changes should be made in claims 9 and 10 respectively. In claim 10, applicant recites "krofta fines" where "KROFTA" is not capitalized. It is believed that applicant is using a Trademark or Trade name, which should not be used in the Claims, and if applicant uses a Trademark or Trade name he must capitalize the Trademark or Trade name. Applicant is suggested to use a generic name for the KROFTA fines. Applicant is further required when using the generic name he must add this to the specification on Page 4, line 21 this would not constitute new matter but will provide proper antecedence for addition to the claim.

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Chapman.

Chapman teaches a method of making absorbents from cellulosic fibrous material in particular, wood pulp. Specifically, Chapman teaches making a sheet, which is equivalent to applicant's block, which is construed to mean a compressed mass,

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which is then impregnated with a surfactant or substance. Chapman then teaches making an absorbent by comminuting the impregnated sheet into absorbents, which include sanitary napkins, tampons, diapers, and bandages. [ Note column 1, lines 74 to Column 2, lines 1-3]. Chapman further teaches drying the sheet.[Note Column 4, line 47] The method as taught fully anticipates applicant's claims.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chapman.

Chapman as described above teaches the invention substantially as claimed wherein the method comprises the steps of forming a sheet or mass of wood pulp, the sheet is then impregnated with a substance such as a surfactant and the sheet can be comminuted, formed into a sheet specific to the type of absorbent to be made which is then dried.

However, Chapman does not teach that the pulp is a cloth fiber.

Chapman generically teaches a method of making a sheet of cellulosic fiber, which then impregnated with a substance, comminuted, reformed into a sheet taking on the form of the absorbent material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include cloth fibers as a specie of where a generic teaching of cellulosic fibers has been taught. To use either cloth fibers, wood

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fibers, paper pulp fibers in making an absorbent material where cellulosic fiber has been generically suggested would be permissible as all cellulosic material would function equivalently absent criticality in showing.

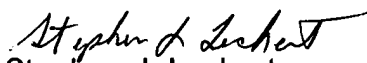
11. Claims 8-10 are free of the prior art.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lowe et al., Phillips et al. and Ellis all teach particulate absorbent material and the method of their manufacture.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Lechert whose telephone number is 703-305-6156. The examiner can normally be reached on Monday-Friday, 9:30AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Silbaugh can be reached on 703-308-3829. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5665.

  
Stephen J. Lechert  
Primary Examiner  
Art Unit 1732

October 28, 2002